

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JENNIFER ECKHART,

Plaintiff,

v.

ED HENRY,

Defendant.

No. 20-cv-5593 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

As discussed during today's final pretrial conference, Defendant shall have an opportunity to depose Plaintiff this weekend, on the limited issue of her communications with the FBI as they fall within the scope of Defendant's Interrogatories 1, 2, 3, 13 and 20. Plaintiff shall also have an opportunity to depose Defendant's sister in advance of her testimony regarding Defendant's character for truthfulness. The Court also ordered the parties to make several submissions:

- Defendant shall file a letter no later than June 14, 2025 clarifying his argument that certain Fox News witnesses may testify about Plaintiff's termination in order to rebut certain assertions made by her expert. Plaintiff shall file a response by June 15, 2025.
- Plaintiff shall file a letter by 9:00 a.m. on June 16, 2025 justifying her argument that certain photographs and/or messages should not be publicly displayed at trial, consistent with *Lugosch v. Pyramid Co. of Onandaga*, 435 F.3d 110 (2d Cir. 2006).

It is further ordered that Plaintiff shall inform counsel for Jane Doe 2 that she must make a motion if she wishes to testify under pseudonym. In addition, the parties shall both file letters by 9:00 a.m. on June 16, 2025, answering the following questions about objections to exhibits:

- Questions for Defendant
 - State the purpose for which you intend to use Defense Exhibit 2.

- State the purpose for which you intend to use Defense Exhibits 84 to 92, and explain why they are not hearsay.
 - State the purpose for which you intend to use Defense Exhibit 92.
 - State the basis for your objection to Plaintiff Exhibit 17.
 - State the basis for your objection to Plaintiff Exhibits 46 and 47.
 - State the basis for your objection to Plaintiff Exhibits 54, 58, 60, 61, 63–66 and 75–76 under Rule 106. Are you merely asking to introduce the missing portion of these exchanges for completion, or are you asking to exclude the incomplete exchanges in full? If the latter, provide support for the proposition that Rule 106 can be used to exclude excerpts that are incomplete.
- Questions for Plaintiff
 - State the basis for your objection to Defense Exhibit 27. Are you asking to complete some portions of these exchanges?
 - Are you planning to introduce Plaintiff Exhibit 85, or only use it to refresh recollection?

SO ORDERED.

Dated: June 13, 2025
New York, New York



Ronnie Abrams
United States District Judge